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EXECUTIVE SESSION
COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: PAUL J. McNULTY

Friday, April 27, 2007

Washington, D.C.

The interview in the above matter was held in Room
2138, Rayburn House Office Building, commencing at 9:32 a.m.

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Q With respect to -- first of all, what did you say to Mr. Elston when he told you that this was a plan and identified as many as eight or nine names of U.S. Attorneys that were intended for termination?

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A Well, I have to say that I was somewhat surprised.

1 I did not know this process was going on; and so, therefore,
2 though I was readily aware of various issues and concerns
3 associated with individuals that were being mentioned to me,
4 I just wasn't aware that this action was being contemplated
5 and would be occurring. So I remember having kind of a mixed
6 set of reactions, one of being surprised by the fact that
7 this was going to take place, but switching my thinking to,
8 okay, if that is what the folks who do the personnel stuff
9 are intending to do here, what do I think about these
10 individuals and do I have an objection. Which is basically
11 the way it is being sort of put to me, is do I have a problem
12 or an objection with this; and I remembering thinking then
13 about the individual names and whether or not I had an
14 objection. That is the sort of first reaction that I had to
15 the process.

16 Q Did you say to him, are we really going to do that?

17 A I might have said something to that effect, yeah.
18 I mean, I don't remember if those were the exact words, but
19 that is consistent with my memory.

20 Q Because you were surprised, correct?

21 A Right.

22 Q And because as the supervisor of U.S. Attorneys for
23 the previous year you had not seen any need for a wholesale
24 termination of eight to ten U.S. Attorneys, had you?

25 A I don't think I would phrase it quite that way.

1 Q I thought you did before.

2 A I am sorry if I made it sound that way. It is the
3 process that I think took me by surprise, that we would do it
4 that way. As to need, that is a little bit more complicated,
5 because that gets into the question of the individual people
6 and what you do with them.

7 I have to confess to you something here, which is I am
8 kind of a softy. That is a problem I have in my life in
9 terms of I put up with a lot of problems for a long time and
10 I have a difficulty getting to the issue of, all right, let's
11 take care of somebody. And so I probably reacted that way in
12 part just because, oh, we are going to now take action that
13 is associated with these individuals, that, again, mixed bag
14 of people, different kinds of concerns. But it is just kind
15 of contrary to the way that I normally operate.

16 Q We will keep it confidential that you are a softy.

17 A It will ruin me, that is for sure.

18 Q I take it from what you are saying that you did not
19 suggest any names for this list.

20 A Well, there gets to the question of Kevin Ryan.
21 From what I have seen from this e-mail and from that one in
22 November that I have subsequently seen -- the one in November
23 was actually sent to me I believe November 7th. Kevin Ryan's
24 name is not there. I am still a little confused as to how
25 Kevin was not listed initially. Because of the matters that

1 I was dealing with as Deputy, Kevin Ryan was an issue that I
2 was very much involved in. Just to take a moment.

3 In late October, we had to send a team out to San
4 Francisco to do what is called kind of a special evaluation
5 of an office, and that is an unusual thing to do. I was
6 working with the Executive Office of the U.S. Attorneys and
7 Dave Margolis, and we were dealing with some very significant
8 management problems that were occurring in the Northern
9 District of California. So a team of a half dozen or so
10 AUSAs were sent out there to do a 3-day evaluation and talk
11 to a whole lot of AUSAs who were in the office and those who
12 had left the office, and that was actually a significant
13 thing itself.

14 That team had come back; and, as I recall, they put
15 together a report, a brief report that was presented to the
16 Department. I don't know if it was addressed to me or
17 presented to the Department in late October. I probably
18 didn't actually see that report when it first came in,
19 probably didn't come do me until sometime in November.

20 During this same period of time, I was dealing with the
21 Executive Office of the U.S. Attorneys and David Margolis and
22 looking at what this report said, the significance of it.
23 The report was very critical. And so I can't quite
24 understand, sitting here now, just exactly why Kevin wasn't
25 on these lists, or on this November list, early November list

1 in particular.

2 I know that Kyle said in his public hearing that I told
3 him after that November 27th meeting in the Attorney
4 General's office that I suggested Kevin Ryan. I don't have
5 any personal memory of that, but that would be consistent
6 with what I was dealing with at the time.

7 Q But at the time that you were presented with this
8 list in late October, again, orally you were told, you didn't
9 suggest any additional names at that time.

10 A Not at that time, no.

11 Q And you hadn't been consulted by anyone prior to
12 the formation of that list about these terminations, had you?

13 A Would you repeat that again, please?

14 Q You had not been consulted by Mr. Sampson or Ms.
15 Goodling or anyone else who was compiling this list for your
16 views with respect to whether or not any individual U.S.
17 Attorneys should be on this list.

18 A Not if you are referring to placing someone on a
19 list or not. I am sure I had lots of conversations with Kyle
20 especially over a period of time about U.S. Attorneys.

21 Q Did you recommend to Mr. Sampson or anyone at the
22 Department prior to late October that anyone be placed on a
23 list for termination?

24 A No.

25 Q And no one came to you and said we are compiling --

1 before Mr. Elston spoke with you, no one came to you and said
2 we are compiling a list and we would like to get your views
3 of the competence or the advisability of continuing in the
4 office a particular U.S. Attorney.

5 Mr. Flores. Objection to the form of the question.

6 Mr. McNulty. I have no memory of being approached prior
7 to that time that Mike brought me this.

8 BY MR. NATHAN:

9 Q That is in late October of '06.

10 A Correct. I have no memory of ever being informed
11 that a list was being compiled for seeking the resignations
12 of U.S. Attorneys. [REDACTED]

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14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
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